

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

STEVE STAEBER, Derivatively on Behalf of
MORGAN STANLEY

v.

JOHN J. MACK, ET AL.

SUMMONS IN A CIVIL ACTION

CASE NUMBER:

07 CV 10368

JUDGE LYNCH

TO: (Name and address of Defendant)

MORGAN STANLEY
1585 BROADWAY
NEW YORK, NY 10036

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

THOMAS G. AMON, ESQ.
LAW OFFICES OF THOMAS G. AMON
500 Fifth Avenue, Suite 1650
New York, NY 10110
Tel: (212) 810-2430

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

NOV 15 2007

CLERK

Marcus Quintero

DATE

(By) DEPUTY CLERK

STEVE STAEBER
- against -
JOHN J. MACK, ET AL

Petitioner(s)
Plaintiff(s)
Respondent(s)
Defendant(s)

AFFIDAVIT
OF SERVICE
INDEX#
07 CV 10368

STATE OF: NEW JERSEY - COUNTY OF: UNION ss:

MALGORZATA SLADEK, being duly sworn deposes and says deponent is not a party to this action, is over the age of 18 and resides in NY. That on date/time: 02/15/2008 03:23PM, at 1633 BROADWAY 25TH FLOOR NEW YORK NY deponent served the within: SUMMONS, VERIFIED COMPLAINT

Summons, Spanish summons & complaint, the language required by NCR 2900.2(e), (f) & (h) was set forth on the face of the summons(es)

On: MORGAN STANLEY

Defendant Respondent Witness (hereinafter called the recipient) therein named.

INDIVIDUAL
A By personally delivering to and leaving with said MORGAN STANLEY and that he knew the person so served to be the person mentioned and described in said SUMMONS, VERIFIED COMPLAINT

CORPORATION
B By delivering to and leaving with JOHN PLOTNICK at 1633 BROADWAY 25TH FLOOR NEW YORK NY and that he knew the person so served to be the MANAGING AGENT of the corporation.

SUITABLE
AGE PERSON
C Service was made in the following manner after your deponent was unable with due diligence to serve the defendant in person: By delivering a true copy thereof to and leaving with _____ a person of suitable age and discretion at _____ the said premises being the recipient's Dwelling/Usual place of abode Actual place of business within the State of New York.

AFFIXING TO
DOOR, ETC.
D By affixing a true copy thereof to the door of said premises, the same being the recipient's Dwelling/Usual place of abode Actual place of business within the State of New York. Deponent had previously attempted to serve the above named recipient on/at: 1. _____ 2. _____ 3. _____ Deponent spoke with _____ who stated to deponent that the said recipient(s) lived at the aforementioned address, but did not know recipient's place of employment.

MAILING TO
RESIDENCE
E1 Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to recipient to recipient's last known residence at _____ and deposited said envelope in an official repository under the exclusive care and custody of the US Postal Service within New York State on 02/15/2008.

MAILING TO
BUSINESS
E2 Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to recipient to recipient's actual place of business at _____ in an official repository under the exclusive care and custody of the US Postal Service within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the recipient and mailed on 02/15/2008.

F DEPONENT STATES THAT THE INDEX # AND FILING DATE WERE CLEARLY VISIBLE ON THE SUMMONS.
DESCRIPTION OF THE RECIPIENT OR OTHER PERSON SERVED OR SPOKEN TO ON BEHALF OF THE RECIPIENT IS AS:

VOID WITHOUT DESCRIPTION Use with A,B,C,D	<input checked="" type="checkbox"/> Male	<input checked="" type="checkbox"/> White Skin	<input type="checkbox"/> Black Hair	<input type="checkbox"/> White Hair	<input type="checkbox"/> 14 - 20 Yrs.	<input type="checkbox"/> Under 5'	<input type="checkbox"/> Under 100 Lbs.
	<input type="checkbox"/> Female	<input type="checkbox"/> Black Skin	<input type="checkbox"/> Brown Hair	<input type="checkbox"/> Balding	<input type="checkbox"/> 21 - 35 Yrs.	<input type="checkbox"/> 5'0" - 5'3"	<input type="checkbox"/> 100 - 130 Lbs.
		<input type="checkbox"/> Yellow Skin	<input type="checkbox"/> Blonde Hair	<input type="checkbox"/> Moustache	<input type="checkbox"/> 36 - 50 Yrs.	<input type="checkbox"/> 5'4" - 5'8"	<input type="checkbox"/> 131 - 160 Lbs.
		<input type="checkbox"/> Brown Skin	<input checked="" type="checkbox"/> Gray Hair	<input type="checkbox"/> Beard	<input type="checkbox"/> 51 - 65 Yrs.	<input type="checkbox"/> 5'9" - 6'0"	<input type="checkbox"/> 161 - 200 Lbs.
		<input type="checkbox"/> Red Skin	<input type="checkbox"/> Red Hair	<input type="checkbox"/> Glasses	<input type="checkbox"/> Over 65 Yrs.	<input type="checkbox"/> Over 6'	<input type="checkbox"/> Over 200 Lbs.

Other identifying features: MOUSTACHE, BEARD

WITNESS FEE
G Witness fee of \$0 the authorizing traveling expenses and one day's witness fee:
[] was paid (tendered) to the recipient [] was mailed to the witness with subpoena copy.

MILITARY
SERVICE
[X] I asked the person spoken to whether defendant was in active military service of the United States or of the state of New York in any capacity whatsoever and received a negative reply. *Defendant wore civilian clothes and no military uniform.* The source of my information and the grounds of my belief are the conversations and observations above narrated.

Subscribed and Sworn to me this

19 day of February, 2008

Notary Signature: Linda Grumble

Name of Notary LINDA GRUMBLE
Commission Expiration _____
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Nov. 9, 2012

I, MALGORZATA SLADEK,
was at the time of service a competent adult
not having a direct interest in the litigation.
I declare under penalty of perjury that the
foregoing is true and correct.

Christy L. 2/19/2008
Signature of Process Server Date